

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

Case No. 1:21-CV-7207

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

YESHIVA WORLD NEWS, LLC,

Defendant.

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**COMPLAINT**

Plaintiff Christopher Sadowski (“Plaintiff”) sues defendant Yeshiva World News, LLC (“Defendant”), and alleges as follows:

**THE PARTIES**

1. Plaintiff is an individual who is a citizen of the State of New Jersey, who is residing in the State of New Jersey.

2. Defendant is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 1412 Avenue M, Suite 2411, Brooklyn, NY 11230-5213.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because it has maintained sufficient minimum contacts with New York such that the exercise of personal jurisdiction over them would not offend traditional notions of fair play and substantial justice.

5. Venue properly lies in this district pursuant to 28 U.S.C. § 1400(a) because Defendants or their agents reside or may be found in this district. “A defendant ‘may be found’ wherever that person is amenable to personal jurisdiction.” Cavu Releasing, LLC. v. Fries, 419 F. Supp. 2d 388, 394 (S.D.N.Y. 2005). In other words, “[v]enue is proper in his District because the defendants are subject to personal jurisdiction in this District.” Noble v. Crazetees.com, 2015 U.S. Dist. LEXIS 130508, at \*9 (S.D.N.Y. July 16, 2015).

## FACTS

### **I. Plaintiff’s Business and History**

6. Plaintiff is an award-winning photojournalist and is widely published in some of the world’s most important newspapers and magazines, including but not limited to, the New York Post, Daily Mail Online, Reader’s Digest, USA Today, New York Times, Fox News, CBS News, NBC News, Boston Globe, Boston Herald, Los Angeles Times, Newsweek Magazine, and People Magazine.

7. For the past eighteen (18) years, Plaintiff has been self-employed as a high-end photographer who specializes in photo-documenting ordinary life and the human condition.

8. Plaintiff travels throughout the New York, New Jersey and Connecticut tri-state area taking photographs that tell a story about tragedy, hope, calamity, joy, discord and renewal.

9. Using state-of-the-art equipment, Plaintiff creates high-end photography licensed by some of the top publishers in this County. When commissioned for a job, Plaintiff spends countless hours capturing hundreds of photographs and then processing those photographs to ensure they meet customers’ requirements.

10. Plaintiff maintains a commercial website (<http://www.csnyphoto.com>) which describes the photography services offered by Plaintiff, hosts a sample portfolio of photographs

taken by Plaintiff, and invites prospective customers to contact Plaintiff to arrange for a professional photo shoot.

11. Plaintiff owns the photographs and serves as the licensing agent with respect to licensing such photographs for limited use by Plaintiff's customers. To that end, Plaintiff's standard terms include a limited, one-time license for use of any particular photograph by the customer only. Plaintiff's license terms make clear that all copyright ownership remains with Plaintiff and that its customers are not permitted to transfer, assign, or sub-license any of Plaintiff's photographs to another person/entity.

## **II. The Work at Issue in this Lawsuit**

12. In 2017, Plaintiff created a professional photograph (titled "012517homedepot 14CS, 5/19/2017") (the "Work") depicting the exterior of a Home Depot located in Paterson, New Jersey:



13. The Work was registered by Plaintiff with the Register of Copyrights on July 30, 2017 and was assigned Registration No. VA 2-056-827. A true and correct copy of the

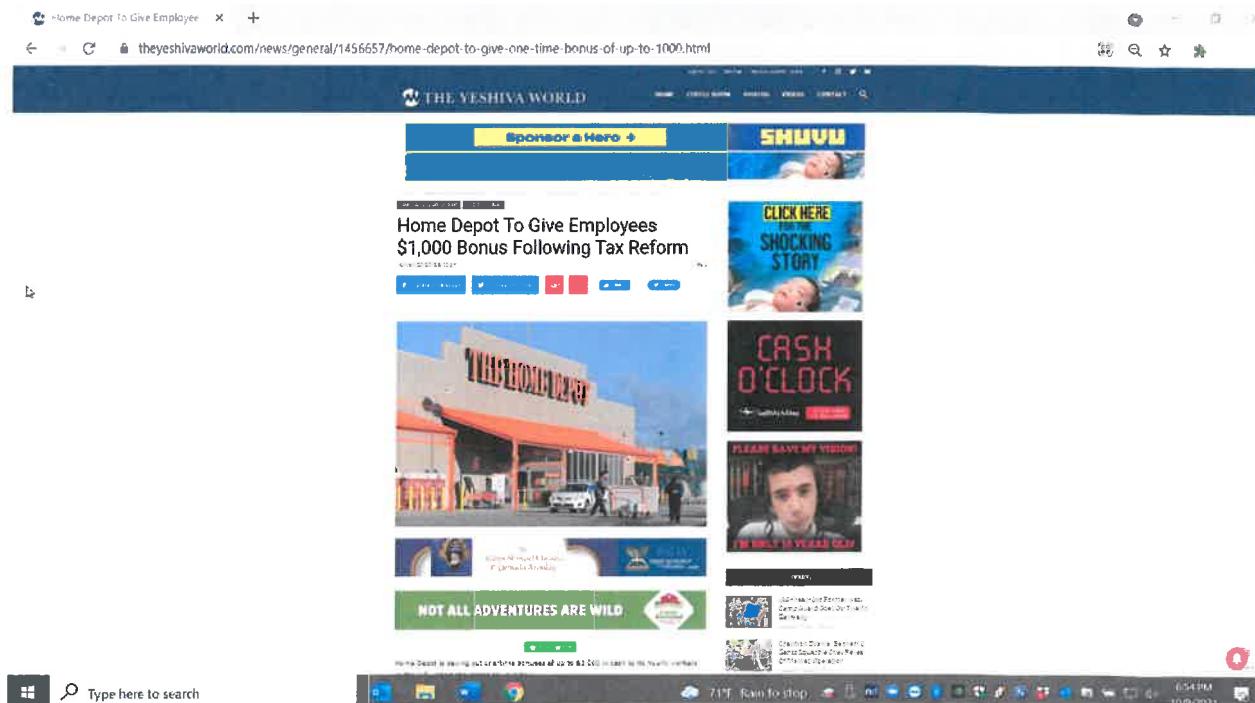
Certification of Registration pertaining to the Work is attached hereto as Exhibit “A.”

14. Plaintiff is the owner of the Work and has remained the owner at all times material hereto.

### III. Defendant’s Unlawful Activities

15. Since 2006, Defendant is an independent news source with freelance reporters and photographers, in addition to continuing as a news aggregator, marketed towards the religiously observant orthodox Jewish community.

16. On a date after Plaintiff’s above-referenced copyright registration of the Work, Defendant caused the Work to be published on its business website (<https://www.theyeshivaworld.com/news/general/1456657/home-depot-to-give-one-time-bonus-of-up-to-1000.html>) (the “Website”):



17. A true and correct copy of screenshots of the Website, displaying the copyrighted Work, is attached hereto as Exhibit “B.”

18. Defendant is not and has never been licensed to use or display the Work. Defendant never contacted Plaintiff to seek permission to use the Work in connection with its Website or for any other purpose.

19. Defendant utilized the Work for commercial use – namely, in connection with the marketing and advertising its orthodox Jewish news Website.

20. Upon information and belief, Defendant located a copy of the Work on the internet and, rather than contact Plaintiff to secure a license, simply copied the Work for its own commercial use.

21. Through his ongoing diligent efforts to identify unauthorized use of its photograph, Plaintiff discovered Defendant's unauthorized use/display of the Work in October 2021. Following Plaintiff's discovery, Plaintiff notified Defendant in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license of the past infringement of its Work.

22. All conditions precedent to this action have been performed or have been waived.

#### **COUNT I – COPYRIGHT INFRINGEMENT**

23. Plaintiff re-alleges and incorporates paragraphs 1 through 22 as set forth above.

24. The Work is an original work of authorship, embodying copyrightable subject matter, that is subject to the full protection of the United States copyright laws (17 U.S.C. § 101 *et seq.*).

25. Plaintiff owns a valid copyright in the Work, having registered the Work with the Register of Copyrights and owning sufficient rights, title, and interest to such copyright to afford Plaintiff standing to bring this lawsuit and assert the claim(s) herein.

26. As a result of Plaintiff's reproduction, distribution, and public display of the Work,

Defendant had access to the Work prior to its own reproduction, distribution, and public display of the Work on its Website.

27. Defendant reproduced, distributed, and publicly displayed the Work without authorization from Plaintiff.

28. By its actions, Defendant infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying the Work for its own commercial purposes.

29. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Plaintiff's copyright. As a media company operating in the news and advertising space for over fifteen years, Defendant clearly understands that photography cannot simply be copied from the internet and used to market its news business without paying just compensation.

30. According to its own Website, Defendant employs copyright management information, "Copyright © 2021 | The Yeshiva World. All Rights Reserved" which suggests that Defendant is well aware of US Copyright laws.

31. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

32. Plaintiff is entitled to recover his actual damages resulting from Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b)), Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Work, which amounts shall be proven at trial.

33. Alternatively, and at Plaintiff's election, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c), in such amount as deemed proper by the Court.

34. Pursuant to 17 U.S.C. § 505, Plaintiff is further entitled to recover his costs and attorneys' fees as a result of Defendant's conduct.

35. Defendant's conduct has caused and any continued infringing conduct will continue to cause irreparable injury to Plaintiff unless enjoined by the Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

**WHEREFORE**, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in the Work;
- b. A declaration that such infringement is willful;
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election, an award of statutory damages for willful infringement up to \$150,000.00 for each infringement of the Work;
- d. Awarding Plaintiff his costs and reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market any works derived or copied from the Work or to participate or assist in any such activity; and
- g. For such other relief as the Court deems just and proper.

**Demand For Jury Trial**

Plaintiff demands a trial by jury on all issued so triable.

Dated: December 31, 2021.

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Telephone: (877) 437-6228  
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By: /s/ Dan DeSouza, Esq.

Daniel DeSouza, Esq.  
Florida Bar No.: 19291

# EXHIBIT “A”

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink, appearing to read "Kayleigh Claypool".

Acting United States Register of Copyrights and Director

Registration Number

**VA 2-056-827**

Effective Date of Registration:  
June 30, 2017

### Title

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**Title of Work:** Group Registration Photos, 2017-Q2 Photo Collection, published 4/1/2017 to 6/30/2017; 117 photos

**Content Title:** 112516crimescene33CS, 4/1/2017

012617stabbing4CS, 4/2/2017; 022517crime3CS, 4/2/2017

022517crime2CS, 4/2/2017

022317debt3CS, 4/3/2017

010917ocean1CS, 4/3/2017

061705whitemanna1CS, 4/5/2017

031517townhall14CS, 4/6/2017

040817pedestrian4CS, 4/8/2017

040817shooting2CS, 4/9/2017; 040817shooting4CS, 4/9/2017

052716faulkner31CS, 4/9/2017

040817police1CS, 4/12/2017

010817ferry6CS, 4/12/2017

090216garcia5CS, 4/12/2017

041317accident4CS, 4/13/2017

031517police1CS, 4/14/2017

041417response10CS, 4/14/2017

041417pursuit2CS, 4/15/2017

110616trump3CS, 4/18/2017

042017tolley15CS, 4/20/2017; 042017tolley20CS, 4/20/2017;  
042017tolley25CS, 4/20/2017

041917ikea7CS, 4/21/2017; 041917ikea10CS, 4/21/2017

042117amtrak8CS, 4/21/2017

042217pedestrian2CS, 4/23/2017  
060316crime5CS, 4/24/2017  
041917renovation3CS, 4/25/2017  
011117cruise9CS, 4/25/2017  
081916court18CS, 4/25/2017  
042717stabbing2CS, 4/28/2017  
042717intrepid5CS, 4/28/2017  
052116amazon6CS, 4/28/2017  
050416train7CS, 5/2/2017  
011917mcdonalds3CS, 5/2/2017  
050517standoff3CS, 5/5/2017  
041915crime1CS, 5/6/2017  
050517crimescene1CS, 5/6/2017  
050517standoff7CS, 5/6/2017  
050617stabbing2CS, 5/7/2017  
050617stabbing3CS, 5/7/2017  
050517crimescene7CS, 5/8/2017  
080416crosswalk2CS, 5/10/2017  
050617schoolbus11CS, 5/10/2017  
052116amazon29CS, 5/10/2017  
072316nypd1CS, 5/10/2017  
042217nypd1CS, 5/11/2017  
051117fire4CS, 5/11/2017  
051117robinson1CS, 5/11/2017  
010817wtc2CS, 5/12/2017  
050717money9CS, 5/12/2017  
051017trooper3CS, 5/14/2017  
041516overcrowding15CS, 5/15/2017  
052716faulkner39CS, 5/15/2017  
110210fall12CS, 5/15/2017

\*0000VA00020568270402\*



052716faulkner33CS, 5/16/2017  
062216macys5CS, 5/16/2017  
100916burgerking11CS, 5/16/2017  
042217nypd2CS, 5/17/2017  
012517homedepot14CS, 5/19/2017  
050417walgreens4CS, 5/19/2017  
052417ups6CS, 5/26/2017  
050717money4CS, 5/26/2017  
020117nyc10CS, 5/26/2017  
122816bnp1CS, 5/26/2017  
052617mailbox12CS, 5/26/2017  
090408school3CS, 5/26/2017  
053117printing2CS, 5/31/2017  
083116iheartradio2CS, 6/2/2017  
052617mailbox17CS, 6/2/2017  
060217deblasio3CS, 6/5/2017  
060517dollarree8CS, 6/8/2017  
052016tesla17CS, 6/8/2017  
052717snap7CS, 6/8/2017  
060817lopezrivera9CS, 6/9/2017  
060817lopezrivera24CS, 6/9/2017  
022517uber1CS, 6/9/2017  
051817train2CS, 6/9/2017  
060817lopezrivera19CS, 6/10/2017  
060817lopezrivera23CS, 6/10/2017; 060817lopezrivera35CS, 6/10/2017  
052617mailbox2CS, 6/11/2017  
050317applebees3CS, 6/12/2017  
011217flags2CS, 6/12/2017  
061117nordstrom2CS, 6/13/2017  
110515timelife3CS, 6/13/2017  
052617mailbox16CS, 6/14/2017

060517electricity11CS, 6/14/2017  
061017aldi6CS, 6/14/2017  
060217cityhall7CS, 6/14/2017  
061017sears11CS, 6/14/2017  
061417accident1CS, 6/15/2017; 061417accident8CS, 6/15/2017  
082511hurricane19CS, 6/16/2017  
061717protesters17CS, 6/17/2017  
061717protesters7CS, 6/17/2017  
120916nypd1CS, 6/17/2017  
050416train14CS, 6/19/2017  
061917spinner7CS, 6/19/2017  
061614shore3CS, 6/20/2017  
022517uber4CS, 6/20/2017  
062217shooting2CS, 6/23/2017  
062217staples9CS, 6/23/2017  
062317billboard2CS, 6/23/2017  
091416tappanze8CS, 6/23/2017  
062317billboard3CS, 6/24/2017  
060217cityhall11CS, 6/24/2017  
062517spinner1CS, 6/27/2017  
120916nypd6CS, 6/27/2017  
062517sprint3CS, 6/28/2017  
050317walmart3CS, 6/28/2017  
062317subway3CS, 6/28/2017  
063017accident6CS, 6/30/2017; 063017accident7CS, 6/30/2017  
062817uber4CS, 6/30/2017  
150617sweeper2CS, 6/30/2017

00000VA0002056627-0403\*

### Completion/Publication

**Year of Completion:** 2017  
**Date of 1st Publication:** April 01, 2017

Nation of 1<sup>st</sup> Publication: United States

### Author

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- Author: Christopher Sadowski
- Author Created: photograph
- Work made for hire: No
- Citizen of: United States
- Year Born: 1982

### Copyright Claimant

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Copyright Claimant: Christopher Sadowski  
96 9th Avenue, Hawthorne, NJ, 07506, United States

### Rights and Permissions

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Name: Christopher Sadowski  
Email: cdsadowski@aol.com  
Telephone: (973)650-5382  
Address: 96 9th Avenue  
Hawthorne, NJ 07506 United States

### Certification

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Name: Christopher Sadowski  
Date: June 30, 2017

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# Exhibit “B”

[-] [x]

Home Depot To Give Employee: x

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<https://www.theyeshivaworld.com/news/general/1456657/home-depot-to-give-one-time-bonus-of-up-to-1000...>



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## Home Depot To Give Employees \$1,000 Bonus Following Tax Reform

January 25, 2018 9:15 am

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Home Depot is paying out one-time bonuses of up to \$1,000 in cash to its hourly workers in the U.S., citing the recent tax overhaul.

The home improvement retailer follows others doing the same, including Disney, Starbucks and Walmart.

Home Depot Inc. said Thursday that the one-time bonus will be distributed in the current quarter. Existing bonuses will be paid out as well.

The Atlanta company anticipates an approximately \$150 million fourth-quarter charge, mostly tied to taxes on unrealized offshore earnings. It expects the charge, plus the one-time bonus, to trim its fiscal 2017 earnings outlook by about 10 cents per share.

TAP

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